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# HOUSE BILL No. 1538

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-103; IC 12-15-7.5.

**Synopsis:** Medicaid guardianship fees. Requires the guardian for a Medicaid recipient residing in a health facility to be paid a monthly fee of \$50.

**Effective:** July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1538

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-103 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103. "Health facility"  
3 means the following:

4 (1) For purposes of IC 12-10-5.5, the meaning set forth in  
5 IC 12-10-5.5-2.

6 (2) For purposes of IC 12-10-12, the meaning set forth in  
7 IC 12-10-12-3.

8 **(3) For purposes of IC 12-15-7.5-1, the meaning set forth in**  
9 **IC 16-18-2-167.**

10 SECTION 2. IC 12-15-7.5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2001]:

13 **Chapter 7.5. Guardianship Fees**

14 **Sec. 1. If a court appoints a guardian for a Medicaid recipient**  
15 **residing in a health facility (as defined in IC 16-18-2-167), the**  
16 **guardian shall be paid a fee of fifty dollars (\$50) per month as**  
17 **follows:**

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IN 1538—LS 6560/DI 98+



1 (1) If the Medicaid recipient has an income of not more than  
2 fifty dollars (\$50) per month, the office shall pay the entire  
3 fifty dollar (\$50) monthly guardian fee from state funds.

4 (2) If the Medicaid recipient has an income of more than fifty  
5 dollars (\$50) per month, but not more than one hundred  
6 dollars (\$100) per month:

7 (A) the Medicaid recipient shall pay the difference between  
8 the amount of the Medicaid recipient's income and fifty  
9 dollars (\$50); and

10 (B) the office shall pay from state funds the difference  
11 between fifty dollars (\$50) and the amount paid by the  
12 Medicaid recipient under clause (A).

13 (3) If the Medicaid recipient has an income of more than one  
14 hundred dollars (\$100) per month, the entire fifty dollar (\$50)  
15 monthly guardian fee shall be paid from the Medicaid  
16 recipient's income.

17 Sec. 2. The office shall disregard the amount paid to a guardian  
18 under section 1 of this chapter in determining:

19 (1) the financial eligibility of the individual for Medicaid; and

20 (2) the amount paid to the health facility where the individual  
21 is receiving care.

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